

## 840 CMR: PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION

### 840 CMR 10.00: STANDARD RULES FOR DISABILITY RETIREMENT

#### 10.18: Rehabilitation Pursuant to M.G.L. c. 32, § 8

- (1) If following a rehabilitation evaluation pursuant to 840 CMR 10.17, the Commission determines that a retired member may benefit from rehabilitation program and that such a program is cost effective, the Commission shall advise the retirement board of its determination.
- (2) The board shall provide the member with a rehabilitation program consisting of services appearing on a list of services approved by the Commission. All rehabilitation programs will include a determination of the member's potential earnings, taking into account the member's functional capacity, age, education, and experience. The retirement board shall pay the costs of the program (less any amounts payable under insurance policies of the member and less any scholarships or grants otherwise available.).
- (3) Any member who is unreasonably denied access to such program may appeal such denial to the Contributory Retirement Appeal Board.
- (4) If a retired member fails to complete a rehabilitation program without good cause, his rights in and to the pension provided for in M.G.L. c. 32, § 6 or 7 shall immediately be suspended.
- (5) Upon completion of the rehabilitation program the Commission will notify the retirement board that a medical panel examination will be scheduled to determine if the member can perform the essential duties of the position from which he or she retired.
- (6) The Commission will appoint a medical panel to examine the member to determine the scope of the member's physical capabilities in light of the completed rehabilitation program and whether the member is able to perform the essential duties of his or her job or the essential duties of a similar job within the same department given the member's condition.
- (7) If a member fails to appear at any required examination without good cause, all his rights in and to the retirement allowance provided for in M.G.L. c. 32, § 6 or 7 shall be terminated by the board. The member shall first be given written notice and an opportunity to be heard by the board with respect to such termination.